

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In Re: Methyl Tertiary Butyl Ether (“MTBE”)
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88
ECF Case

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This document relates to the following case:

City of New York v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417

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**DECLARATION OF NICHOLAS G. CAMPINS IN SUPPORT OF PLAINTIFF
CITY OF NEW YORK’S MEMORANDUM OF LAW IN OPPOSITION TO
MOTION OF MEENA NAINAN, THOMAS MILTON, NORMAN NOVICK,
MICHAEL ROMAN, GARY STUMPF, AND HENRY THOMASSEN TO QUASH
PLAINTIFF’S TRIAL SUBPOENAS**

Nicholas G. Campins, an attorney duly admitted *pro hac vice* to appear in this case, hereby declares under penalty of perjury:

1. I am an attorney with the law firm of Sher Leff LLP, counsel for Plaintiff the City of New York (“the City”) in the above-captioned matter. I submit this Declaration in support of Plaintiff City of New York’s Opposition to Motion of Meena Nainan, Thomas Milton, Norman Novick, Michael Roman, Gary Stumpf, and Henry Thomassen to Quash Plaintiff’s Trial Subpoenas (the “Opposition”). This declaration authenticates the exhibits attached hereto and relied on in the City’s Opposition. In accordance with the Court’s Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around July 20, 2009.

2. Attached as Exhibit 1 is a true and correct copy of the Court’s June 24, 2009 Order, filed in Case No. 1:04-CV-3417, Document Number 324.

3. Attached as Exhibit 2 is a true and correct copy of selected pages of a June 25, 2009 Hearing Transcript in which the parties appeared before the Honorable Shira A. Scheindlin, United States District Judge for the Southern District of New York. The transcript was provided to the City by Christine Siwik of the firm Southern District Reporters on or about June 30, 2009.

4. Attached as Exhibit 3 is a true and correct copy of an email sent by me to Counsel for Movants, Mr. John Tully of the law firm Fulbright & Jaworski L.L.P on or about July 9, 2009.

5. Attached as Exhibit 4 is a true and correct copy of a March 20, 2007 Federal Rule of Civil Procedure 30(b)(6) Deposition Notice of Exxon Mobil Corporation regarding Warnings. This version of the notice was marked Exhibit 1 to the March 28, 2007 Deposition of Michael Roman.

6. Attached as Exhibit 5 is a true and correct copy of selected pages from the March 28, 2007 Deposition of Michael Roman.

7. Attached as Exhibit 6 is a true and correct copy of selected pages from the March 28, 2007 Deposition of Michael Roman.

8. Attached as Exhibit 7 is a true and correct copy of a August 22, 2006 Federal Rule of Civil Procedure 30(b)(6) Deposition Notice of Mobil Corporation regarding Communications with the Interagency Testing Committee. This version of the notice was Marked Exhibit 1 to the March 22, 2007 Deposition of Gary Stumpf.

9. Attached as Exhibit 8 is a true and correct copy of a October 4, 2006 Federal Rule of Civil Procedure 30(b)(6) Deposition Notice of Mobil Corporation regarding Investigation, Reporting, Remediation and Use of Consultants. This version of the notice was marked Exhibit 2 to the March 22, 2007 Deposition of Gary Stumpf.

10. Attached as Exhibit 9 is a true and correct copy of Defendant Exxon Mobil

Corporation's Phase III Trial Witness List, which was served on the City via LexisNexis File & Serve at 12:01 AM on June 27, 2009.

11. Attached as Exhibit 10 is a true and correct copy of selected pages from the March 22, 2007 Deposition of Gary Stumpf.

12. Attached as Exhibit 11 is a true and correct copy of selected pages from the March 22, 2007 Deposition of Gary Stumpf.

13. Attached as Exhibit 12 is a true and correct copy of a October 4, 2006 Federal Rule of Civil Procedure 30(b)(6) Deposition Notice of Mobil Corporation regarding Taste and Odor. This version of the notice was marked Exhibit A to the February 22, 2007 Deposition of Norman Novick.

14. Attached as Exhibit 13 is a true and correct copy of a October 4, 2006 Federal Rule of Civil Procedure 30(b)(6) Deposition Notice of Mobil Corporation regarding Taste and Odor. This version of the notice was marked Exhibit B to the February 22, 2007 Deposition of Norman Novick.

15. Attached as Exhibit 14 is a true and correct copy of selected pages from the February 22, 2007 Deposition of Norman Novick.

16. Attached as Exhibit 15 is a true and correct copy of selected pages from the February 22, 2007 Deposition of Norman Novick.

17. Attached as Exhibit 16 is a true and correct copy of Exhibit O to the February 22, 2007 Deposition of Norman Novick. Exhibit O purports to be a presentation authored by Norman Novick for a March 1998 Continuous Improvement Conference. Exhibit O was produced by ExxonMobil and bears the bates numbers M 0010729 to M 0010735.

18. Attached as Exhibit 17 is a true and correct copy of a July 31, 2000 Deposition

Notice of Mobil Oil Corporation pursuant to California Code of Civil Procedure in *Communities for a Better Environment vs. Unocal Corporation et al.*, Case No. 997013 (S.F. Superior Court).

This version of the notice was marked Exhibit 1 to the 8/11/2000 Deposition of Meena Nainan.

19. Attached as Exhibit 18 is a true and correct copy of selected pages from the 8/11/2000 Deposition of Meena Nainan in *Communities for a Better Environment vs. Unocal Corporation et al.*, Case No. 997013 (S.F. Superior Court).

20. Attached as Exhibit 19 is a true and correct copy of selected pages from the 8/11/2000 Deposition of Meena Nainan in *Communities for a Better Environment vs. Unocal Corporation et al.*, Case No. 997013 (S.F. Superior Court).

21. Attached as Exhibit 20 is a true and correct copy of selected pages from the 8/11/2000 Deposition of Meena Nainan in *Communities for a Better Environment vs. Unocal Corporation et al.*, Case No. 997013 (S.F. Superior Court).

22. Attached as Exhibit 21 is a true and correct copy of selected pages from the 8/11/2000 Deposition of Meena Nainan in *Communities for a Better Environment vs. Unocal Corporation et al.*, Case No. 997013 (S.F. Superior Court).

23. Attached as Exhibit 22 is a true and correct copy of a March 14, 2007 Federal Rule of Civil Procedure 30(b)(6) Deposition Notice of Mobil Corporation regarding Release and Contamination. This version of the notice was marked Exhibit 1 to the March 30, 2007 Deposition of Thomas Milton.

24. Attached as Exhibit 23 is a true and correct copy of selected pages from the March 30, 2007 Deposition of Thomas Milton.

25. Attached as Exhibit 24 is a true and correct copy of selected pages from the March 30, 2007 Deposition of Thomas Milton.

26. Attached as Exhibit 25 is a true and correct copy of a December 1, 2006 Federal Rule of Civil Procedure 30(b)(6) Deposition Notice of Mobil Corporation regarding Corporate Structure, Merger & Liability. This version of the notice was marked Exhibit 1 to the January 16, 2007 Deposition of Henry Thomassen.

27. Attached as Exhibit 26 is a true and correct copy of selected pages from the January 16, 2007 Deposition of Henry Thomassen.

28. Attached as Exhibit 27 is a true and correct copy of the Court's June 26, 2006 Case Management Order No. 19, filed in Case No. 1:00-CV-1898.

29. Attached as Exhibit 28 is a true and correct copy of a July 13, 2009 Amtrak Schedule. Exhibit 28 was originally attached as Exhibit B to the City's June 15, 2009 Letter to the Court. Exhibit 28 was retrieved from Amtrak's website on or about June 15, 2009.

30. Attached as Exhibit 29 is a true and correct copy of my June 15, 2009 letter to the Court.

On this 20th day of July 2009, I hereby declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct.

Dated: San Francisco, CA
July 20, 2009

/s/ NICHOLAS G. CAMPINS
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